IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5994 of 2005

Between:

Bollam Sampath, S/o.B.Kanakaiah,
R/o.Kondapalkala village, Manakondur Mandal,

Karimnagar District.

..... PETITIONER

AND

1 The Collector & District Magistrate, Karimnagar.
2 The Government of Andhra Pradesh, rep.by its Secretary to

Government, Tribal Welfare, A.P., Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the second respondent in refusing to grant interim stay of the operation of proceedings bearing No.C4/5205/99, dated 11-11-2004, of the first respondent vide Memo.No.393/CV.2/2005-1, dt.2-2-2005 as arbitrary and illegal and pass such other order or orders as this Hon'ble court deem fit and proper.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the second respondent in refusing to grant interim suspension of the operation of the proceedings dated 11-11-2004 of the first respondent vide Memo 392/CV.2/2005-1, dated 2-2-2005 a arbitrary and illegal.

Against the proceedings of the Collector, Karimnagar – 1st respondent dated 11-11-2004 holding the social status of the petitioner as Backward Clase, but not Lambada (ST) and canceling the Caste Certificate issued on 5-7-1991 in favour of the petitioner, the petitioner filed an application appeal along with stay application before the Joint Secretary to Government – 2nd respondent herein. But the Second respondent rejected the stay petition filed by the petitioner. Aggrieved by the same, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner, and learned Government Pleader for Social Welfare.

The order under appeal before the first respondent contemplates launching of criminal prosecution against the petitioner. The appeal filed by the petitioner is still pending. Therefore, I am of the opinion that during the pendency of the appeal, giving effect to the order passed by the first respondent is not desirable, since it is also contemplates criminal prosecution. Hence, the impugned memo is liable to be set aside and accordingly set aside.

In the result, the Writ Petition is allowed and there shall be stay of the proceedings dated 11-11-2004 of the 1st respondent during the pendency of the appeal before the 2nd respondent. No costs.

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C.V. Ramulu, J.

28th April, 2005

Js

To

1 The Collector & District Magistrate, Karimnagar.
2 The Government of Andhra Pradesh, rep.by its Secretary to

Government, Tribal Welfare, A.P., Secretariat, Hyderabad.

3 Two CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad.

4 2 CD copies.